REMARKS

This is a full and timely response to the outstanding final Office Action mailed October 19, 2006. Reconsideration and allowance of the application and pending claims are respectfully requested.

I.   **Claim Rejections - 35 U.S.C. § 103(a)**

A.   **Rejection of Claims**

Claims 1-6, 9, 13, 20, 22-27, 30, 34, and 41 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Unger* ("*Unger*," U.S. Pat. No. 6,985,669) in view of *Moon et al.* ("*Moon*," U.S. Pat. No. 6,211,858). Claims 10 and 31 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Unger* and by *Moon* in view of *Doherty et al.* ("*Doherty,*" U.S. Pat. No. 6,920,567). Claims 7, 8, 11, 12, 28, 29, 32, and 33 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Unger* and by *Moon* in view of *Sullivan et al.* ("*Sullivan,*" U.S. Pat. No. 6,591,421). Claims 14-19 and 35-40 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Unger* and by *Moon* in view of *Riffee* ("*Riffee,*" U.S. Pat. No. 5,675,375). Claims 21 and 42 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Unger* in view of *Sullivan, Riffee, Moon,* and *Doherty.* Applicants respectfully traverse these rejections.

B.   **Discussion of the Rejection**

The U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness according to the factual inquiries expressed in *Graham v. John Deere Co.,* 383 U.S. 1, 148 USPQ 459 (1966). The four factual inquires, also expressed in MPEP 2100-116, are as follows:

(A)   Determining the scope and contents of the prior art;

(B)   Ascertaining the differences between the prior art and the claims in issue;

(C)   Resolving the level of ordinary skill in the pertinent art; and

(D)   Evaluating evidence of secondary considerations.

Applicants respectfully submit that a *prima facie* case of obviousness is not established using the art of record.

Independent Claims 1 and 22

Claims 1 and 22 recite (with emphasis added):

1.   A media content recording system in a subscriber television system, comprising:
        a memory for storing logic;
        a buffer space for buffering a plurality of media content instances; and
        a processor configured with the logic to designate as permanent only a media content instance among the plurality of media content instances in the buffer space that is requested by a user for permanent recording, *the processor configured with the logic to designate as permanent through configuration of a status flag of a management file corresponding to the media content instance.*

22.   A media content recording method in a subscriber television system, comprising the steps of:
        buffering a plurality of media content instances into a buffer space; and
        designating as permanent only a media content instance among the plurality of media content instances in the buffer space that is requested by a user for permanent recording, *wherein designating comprises configuring a status flag of a management file corresponding to the media content instance.*

Applicants respectfully submit that *Unger* in view of *Moon* fails to disclose, teach, or suggest at least the above-emphasized claim features. The Office Action correctly notes on page 3 that *Unger* "fails to disclose the processor configured with the logic to designate as permanent through configuration of a status flag of a management file

corresponding to the media content instance." However, Applicants respectfully submit

that *Moon* fails to remedy this deficiency.

The Office Action (page 3, emphasis added) alleges that:

> Moon teaches a <u>status flag</u> in the status bar <u>to indicate a new e-mail has</u>
> <u>arrived</u> (Fig. 5, Col. 5 line 41-48. When user open up the new-email, it's change
> [sic] the status of the e-mail from new to old. And user can also save the e-mail
> by clicking save button on the image buttons at 120).

> Therefore, it would have been obvious to one having ordinary skill in the
> art at the time the invention was made to have status flag in the status bar to show
> the user if any new message come up in the file. User doesn't have to check
> email to see any new mail come up or not. User can know by looking at the flag
> in the bar.

Applicants respectfully disagree. *Moon* does not disclose, teach, or suggest the claimed

feature of the disclosed flags are used by a processor "to designate as permanent through

configuration of a status flag of a management file corresponding to the media content

instance." Rather, the flags in *Moon* appear to be used as "symbols on [a] status bar 140,

such as a mailbox that raises a flag if new E-mail has arrived" (*Moon*, Col. 5, ln. 44-46).

The claimed feature of a processor designating a media content instance "<u>as permanent</u>

through ***configuration of a status flag of a management file*** <u>corresponding to the media</u>

<u>content instance</u>" is not the same as "as a mailbox that raises a flag if new E-mail has

arrived" as disclosed in *Moon*. Thus, Applicants respectfully submit that a prima facie

case of obviousness with respect to independent claims 1 and 22 has not been

established, and the rejections should be withdrawn for these reasons.

Because independent claims 1 and 22 are allowable over *Unger* in view of *Moon*,

dependent claims 2-6, 9, 13, 20, 23-27, 30, 34, and 41 are allowable as a matter of law for at

least the reason that the dependent claims 2-6, 9, 13, 20, 23-27, 30, 34, and 41 contain all

elements of their respective base claim. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Dependent Claims 10 and 31

Applicants submit that as provided above, independent claims 1 and 22 are allowable over *Unger* in view of *Moon*. Applicants respectfully submit that *Doherty* does not remedy the above-described deficiencies of *Unger* in view of *Moon*. Thus, for at least the reasons that dependent claims 10 and 31 incorporate the features of respective allowable claims 1 and 22, dependent claims 10 and 31 are allowable as a matter of law.

Dependent Claims 7-8, 11-12, 28-29, and 32-33

Applicants submit that as provided above, independent claims 1 and 22 are allowable over *Unger* in view of *Moon*. Applicants respectfully submit that *Sullivan* does not remedy the above-described deficiencies of *Unger* in view of *Moon*. Thus, for at least the reasons that dependent claims 7-8, 11-12, 28-29, and 32-33 incorporate the features of respective allowable claims 1 and 22, dependent claims 7-8, 11-12, 28-29, and 32-33 are allowable as a matter of law.

Dependent Claims 14-19 and 35-40

Applicants submit that as provided above, independent claims 1 and 22 are allowable over *Unger* in view of *Moon*. Applicants respectfully submit that *Riffee* does not remedy the above-described deficiencies of *Unger* in view of *Moon*. Thus, for at least the reasons that dependent claims 14-19 and 35-40 incorporate the features of respective allowable claims 1 and 22, dependent claims 14-19 and 35-40 are allowable as a matter of law.

Independent Claims 21 and 42

Claims 21 and 42 recite (with emphasis added):

21.　　A media content recording system in a subscriber television system, comprising:
　　　　a memory for storing logic;
　　　　a buffer space for buffering a plurality of media content instances;

and

a processor configured with the logic to provide a user interface, responsive to input from the user, that segregates the media content instances of the buffer space into separately identifiable media content instances and enables the user to select and permanently record at least one of the media content instances, wherein the processor is further configured with the logic to enable the user to permanently record a displayed media content instance of the buffer space by selecting a button on an input device during any buffered and displayed frame of the media content instance to be permanently recorded, wherein the processor is further configured with the logic to select one of the media content instances at any point within a buffered start and end time of the media content instance for permanent recording, wherein the processor is further configured with the logic to maintain a management file for each of the buffered media content instances, *wherein the processor is further configured with the logic to maintain a status flag in the management file wherein the status flag is configured as temporary for a buffered media content instance that is not designated for permanent recording, wherein the processor is further configured with the logic to configure the status flag of the management file for a buffered media content instance as permanent when the user requests that said media content instance be permanently recorded,* wherein the processor is further configured with the logic to cause the permanently recorded media content instance to have a permanent designation in a file allocation table in response to having the status flag of the corresponding management file configured as permanent, such that the buffer space storing the permanently recorded media content instance becomes designated as non-buffer space, wherein the processor is further configured with the logic to use media content instance guide data to determine the start time and stop time of a media content instance buffered into the buffer space, wherein the processor is further configured with the logic to determine the receipt time into the buffer space by using the time indicated by an internal clock, wherein the processor is further configured with the logic to configure the media content instances as media content instance files, wherein the processor is further configured with the logic to use titles of the media content instances from media content instance guide data as media content instance file names, wherein the management file includes channel

number, the media content instance title, and the source of the media content instance, wherein the processor is further configured with the logic to cause the buffer space of the permanently recorded media content instance to be designated as non-buffer space, wherein the processor is further configured with the logic to buffer analog broadcast media content instances, received at a communications interface, as digitally compressed media content instances, wherein the processor is further configured with the logic to buffer an analog signal received at a connector from a consumer electronics device, as a digitally compressed media content instance, wherein the processor is further configured with the logic to buffer digital broadcast media content instances, received at a communications interface, as digitally compressed media content instances, wherein the processor is further configured with the logic to buffer digital media-on-demand media content instances, received at a communications interface from a remote server, as digitally compressed media content instances, wherein the processor is further configured with the logic to buffer digital media content instances, received at a digital communications port from a local network, as digitally compressed media content instances, wherein the processor is further configured with the logic to buffer digital media content instances, received at a digital communications port from a local device, as digitally compressed media content instances, wherein the processor is further configured with the logic to designate as permanent only the selected media content instance among the plurality of media content instances in the buffer space that is requested by the user for permanent recording, wherein the processor is further configured with the logic to delete the permanently designated media content instance as requested by the user.

42. A media content recording method in a subscriber television system, comprising the steps of:

buffering a plurality of media content instances;

providing a user interface, responsive to input from the user, that segregates the media content instances of the buffer space into separately identifiable media content instances and enables the user to select and permanently record at least one of the media content instances;

enabling the user to permanently record a displayed media content instance of the buffer space by selecting a button on an input device during any buffered and displayed frame of the media content instance to be permanently recorded;

selecting one of the media content instances at any point within a
buffered start and end time of the media content instance
for permanent recording;

maintaining a management file for each of the buffered media
content instances;

*maintaining a status flag in the management file wherein the
status*

*flag is configured as temporary for a buffered media
content instance that is not designated for permanent
recording;*

*configuring the status flag of the management file for a buffered
media content instance as permanent when the user
requests that said media content instance be permanently
recorded;*

causing the permanently recorded media content instance to have a
permanent designation in a file allocation table in response
to having the status flag of the corresponding management
file configured as permanent, such that the buffer space
storing the permanently recorded media content instance
becomes designated as non-buffer space;

using media content instance guide data to determine the start time
and stop time of a media content instance buffered into the
buffer space;

determining the receipt time into the buffer space by using the time
indicated by an internal clock;

configuring the media content instances as
media content instance files;

using titles of the media content instances from media content
instance guide data as the file names, wherein the
management file names include channel number, the
media content instance title, and the source of the media
content instance;

causing the buffer space of the permanently recorded media
content instance to be designated as non-buffer space;

buffering analog broadcast media content instances, received at a
communications interface, as digitally compressed media
content instances;

buffering an analog signal received at a connector from a
consumer

electronics device, as a digitally compressed media content
instance;

buffering digital broadcast media content instances, received at a
communications interface, as digitally compressed media
content instances;

buffering digital media-on-demand media content instances,
received at a communications interface from a remote

> server, as digitally compressed media content instances;
> buffering digital media content instances, received at a digital
>   communications port from a local network, as digitally
>   compressed media content instances;
> buffering digital media content instances, received at a digital
>   communications port from a local device, as digitally
>   compressed media content instances;
> designating as permanent only the selected media content instance
>   among the plurality of media content instances in the
>   buffer space that is requested by the user for permanent
>   recording; and
> deleting the permanently designated media content instance as
>   requested by the user.

Applicants respectfully submit that *Unger* in view of *Sullivan, Riffee, Moon,* and *Doherty* fails to disclose, teach, or suggest at least the above-emphasized claim features.

The Office Action (page 12) alleges that:

> Claims 21 and 42 are a combination of claims 1-20. Therefore claim 21 is rejected for the same reason as discussed in the corresponding claims above.

Applicants assume that the Office Action intended to allege that claim 21 is a combination of claims 1-20 and that claim 42 is a combination of claims 22-41. Therefore claims 21 and 42 are rejected for the same reason as discussed in the corresponding claims above. Applicants' traversal to the rejection below is based on this assumption.

The Office Action correctly notes on page 3 that *Unger* "fails to disclose the processor configured with the logic to designate as permanent through configuration of a status flag of a management file corresponding to the media content instance." However, Applicants respectfully submit that neither *Sullivan, Riffee, Moon, nor Doherty* remedy this deficiency for similar reasons as discussed in the response to the rejection of claims 1 and 21 above.

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Additionally, *Unger* in view of *Sullivan, Riffee, Moon,* and *Doherty* fails to disclose, teach, or suggest the claimed feature of "wherein the processor is further configured with the logic to maintain a status flag in the management file wherein the status flag is configured as temporary for a buffered media content instance that is not designated for permanent recording" for similar reasons as discussed in the response to the rejection of claims 1 and 21 above. Namely, the claimed feature of "logic to maintain a status flag in the management file wherein the status flag is configured as temporary for a buffered media content instance that is not designated for permanent recording" is not the same as "as a mailbox that raises a flag if new E-mail has arrived" as disclosed in *Moon*. Thus, Applicants respectfully submit that a prima facie case of obviousness with respect to independent claims 21 and 42 has not been established, and the rejections should be withdrawn for these reasons.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

_____/dr/_____
David Rodack
Registration No. 47,034

THOMAS, KAYDEN,
  HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500